

UNITED STATES OF AMERICA,  
Plaintiff  
-VS-  
ANDRES COVELLI CADAVID, also  
known as Don Andres, also known  
as Andres Torres Landines,  
Defendant

## SENTENCING

## A P P E A R A N C E S:

ROBERTO E. ABREU, ESQ., The Abreu Law Firm, LLC,  
2631 S.W. 27th Street, Miami, Florida, 33133, for the  
Defendant.

ALSO PRESENT: Jennifer Broquist, United States Probation.  
Gabriel Hadad, Spanish Interpreter.

United States District Court  
1 Courthouse Way, Courtroom 19  
Boston, Massachusetts 02210  
November 4, 2013, 2:43 p.m.

LEE A. MARZILLI  
OFFICIAL COURT REPORTER  
United States District Court  
1 Courthouse Way, Room 7200  
Boston, MA 02210  
(617) 345-6787

P R O C E E D I N G S

(Interpreter Hadad duly sworn.)

THE CLERK: Court calls Criminal Action 11-10187, United States v. Clavijo, et al. Could counsel please identify themselves.

MR. GALLAGHER: Good afternoon, your Honor. Neil Gallagher for the United States.

MR. ABREU: Good afternoon, your Honor. Robert Abreu on behalf of Andres Covelli Cadavid, who is present before the Court.

MS. BROQUIST: Good afternoon, your Honor. Jennifer Broquist for Probation.

THE COURT: Thank you. You may be seated. You swore the Interpreter. That's wonderful. Thank you.

So there's a little bit of a dispute over the Guidelines, but it's much ado without any consequence because you end up at the same place. So whether it's sophisticated money laundering or the business of money laundering, we end up, I think, at the same Guideline range.

MR. ABREU: Yes, your Honor, and I had spoken with government counsel. We will be withdrawing our objection at this time, and we agree with Probation that the highest Guideline should be used, so we agree with Probation's assessment.

THE COURT: All right. So basically the total offense

1 level is 31. The criminal history category is I. It puts us  
2 at a range of incarceration of 108 to 135 months, one to three  
3 years of supervised release, a fine range of \$15,000 to  
4 \$500,000. I take it you've had a chance to go through this  
5 with your client as well to see if there were any other  
6 objections?

7 MR. ABREU: Yes, your Honor. No. We had other  
8 factual objections.

9 THE COURT: Right, whether or not 20 meant \$2 million  
10 or \$20 million.

11 MR. ABREU: Correct.

12 THE COURT: There were certain -- none of it makes a  
13 difference in terms of how we calculate the range, I think.

14 MR. ABREU: That's correct, that's correct.

15 THE COURT: Okay. So now I have a -- I don't know who  
16 everyone is sitting here, but there's a motion which is  
17 granted. So now the only issue is what the sentence is. And  
18 perhaps you can -- I know Ms. Ricci. I don't know everybody, I  
19 don't think. Should I be closing the courtroom?

20 MR. GALLAGHER: Your Honor, we're happy to come to  
21 sidebar if you want to, but --

22 THE COURT: Well, do you know everybody in here?

23 MR. GALLAGHER: I don't.

24 THE COURT: Okay. So let me just put it this way:  
25 The issue right now -- why don't you say as much as you can say

1 on the public record, and to the extent we need to go to  
2 sidebar, we will.

3 MR. GALLAGHER: Your Honor, this should be fairly  
4 straightforward. This is going to be a joint recommendation, a  
5 sentence of 86 months, and --

6 THE COURT: That's easy enough then.

7 MR. GALLAGHER: Yes.

8 THE COURT: All right.

9 MR. ABREU: Yes, your Honor.

10 THE COURT: Did you want to say anything?

11 MR. ABREU: The only thing I wanted to read into the  
12 record is, I received an e-mail from my client's daughter. I  
13 was unable to print it out. If the Court would allow me to  
14 read it into the record and I'll supplement the court file with  
15 a paper motion.

16 THE COURT: Of course.

17 MR. ABREU: His daughter lives in Colombia. She is  
18 Colombian. She wrote it in English because she's studying  
19 English, so I'll read it. The grammar is not perfect, your  
20 Honor, but if you can bear with me, it says, "My name is  
21 Angeline Covelli Pabone. I was born on October 8, 2001. I  
22 have twelve years. I am a girl who loves her father very much.  
23 I miss him, who needs him, and wants to have his company from  
24 now on because of the time we've been apart has been difficult.  
25 We are a very nice family. I know my mom has made every effort

1 to be father and mother at the same time, but he is very  
2 special. He played, ran, laughed, in whom I take refuge when I  
3 made mistakes, and protects me. I could not be present at this  
4 hearing because I am in my late exams in the school year, and  
5 it will be very painful for me to see my father in these  
6 difficult conditions. I prefer to remember him as a great dad,  
7 strong, loving, always having a solution to my little problem.  
8 I know he made a mistake and that's why we have been separated.  
9 I do not know the failures so immense that made me. I am sure  
10 you have learned a lesson and will not again make the same  
11 mistake. That's enough with all we've been through. I need a  
12 lot because I will enter a stage they say is complicated,  
13 adolescence, and also I need to retrieve all this time we've  
14 lost. I thank Ms. Judge and in a few minutes at this audience  
15 to know that my dad is not alone. Him have me. I send a kiss  
16 and a hug. He knows I love him and I'm waiting. Thank you  
17 very much. Angeline Covelli."

18 Thank you, your Honor.

19 THE COURT: Thank you. That was very nicely written.

20 Do you want to say anything, Mr. Covelli?

21 THE DEFENDANT (By the Interpreter): Yes. Good  
22 afternoon, your Honor. I want to thank you for the time you're  
23 granting me for speaking to you and everyone present here and  
24 to express what's in my heart. I'd like to start by saying  
25 thank you to the prosecutor and his whole team, his whole work

1 team, because of their consideration, very specially to my  
2 lawyer also for the huge amount of time and effort, quality  
3 time that he has dedicated to my case. To my family who are  
4 not here, in any case, I want to apologize to because of my  
5 mistakes and bad decisions that I know have caused a lot of  
6 harm and a lot of suffering to them, especially because of our  
7 separation. To you, your Honor, very specially, from the  
8 bottom of my heart, I'd like to tell you that I'm sorry to you,  
9 the Court, and this great nation. I know that if I have  
10 another opportunity, I'll make the right decisions, and I know  
11 that I won't make these mistakes again. Thank you pretty much.

12 THE COURT: Thank you. Well, I will certainly accept  
13 the joint recommendation of counsel. I would like to start,  
14 though, to explain why, other than the -- there are certain  
15 issues I won't discuss publicly but which are in the materials,  
16 but I'll just say this overall: Here in Boston, we don't often  
17 get sophisticated drug conspiracies or money laundering  
18 conspiracies. This is a money laundering conspiracy that  
19 you're charged with, and it's really one of the more  
20 sophisticated ones that I've seen. It involved multiple  
21 accounts, and including your involvement in it, not just the  
22 conspiracy, multiple accounts. It involved drug money. I had  
23 to have a whole evidentiary hearing to even understand how it  
24 worked.

25 So while I respect the fact that your daughter loves

1 you and you love your daughter, and I respect the fact that  
2 you've got a lovely family life, whom you loved them very much  
3 back in Colombia, this is a matter of international  
4 significance, the movement of money and drugs across borders,  
5 and you were a big part of it. And I hope that you're genuine  
6 in saying you're not going to go back to this life because you  
7 can tell the money is just so huge that the temptation must be  
8 almost overwhelming, but you can't. And at this point you're  
9 known to your government. You certainly can never come back  
10 here. And while I take your heartfelt apologies to be sincere,  
11 I also don't want to at all downplay how significant this whole  
12 conspiracy is. I mean, what I tend to see is the other end of  
13 the spectrum here, the kid from Dorchester or Roxbury, some  
14 poor kid who's selling a few grams here, a few grams there of  
15 the cocaine. The most they'll ever see is maybe a few hundred  
16 bucks at a time, and some of them are doing a lot more time  
17 than you are, actually, for the street-level sales.

18 So I do think this is an appropriate sentence. I  
19 think it's sufficient but not greater than necessary to deter  
20 others. You have had no prior involvement with the criminal  
21 justice system, as I get it, either here or in Colombia. Isn't  
22 that basically right? You stayed in a hideous place, I  
23 understand it, in Colombia, a terrible place, not that ours are  
24 so terrific, but theirs I understand are horrible. They write  
25 documentaries about them. I'm just simply saying, I hope you

1 don't get involved again because it's something that I think  
2 both governments now are taking really seriously.

3 So I will impose a sentence of 86 months. I will not  
4 impose a term of supervised release because you cannot come  
5 back here. I have to impose -- how much is it now?

6 MS. BROQUIST: \$100.

7 THE COURT: -- \$100 special assessment. And is there  
8 any money, anything worth -- is there a forfeiture or anything  
9 that I need to discuss?

10 MR. GALLAGHER: No, your Honor. I mean, the defendant  
11 has agreed to forfeit his interest in certain companies in  
12 Colombia, but at this point I don't believe there's any assets  
13 to go after, so there's no order to submit to the Court.

14 THE COURT: So there's no forfeiture order?

15 MR. GALLAGHER: No forfeiture.

16 THE COURT: And are there assets here in terms of a  
17 fine?

18 MS. BROQUIST: No, your Honor, not that we discovered.

19 THE COURT: All right, so that's useless. All right,  
20 no fine.

21 All right, do you want to read the notice of appeal  
22 rights.

23 THE CLERK: Sir, will you please stand.

24 The Court hereby notifies you of your right to appeal  
25 this sentence. If you cannot afford the cost of an appeal, you



1 may move to proceed in forma pauperis. Any appeal from this  
2 sentence must be filed within fourteen days of entry of  
3 judgment on the docket.

4 Do you understand these rights?

5 THE DEFENDANT (By the Interpreter): Yes, yes.

6 THE COURT: All right, and let me also just say this.  
7 This is not for your benefit but for -- I've got so many more  
8 sentencings to do. I didn't see a real difference here between  
9 someone who was in the business of money laundering and a  
10 sophisticated operation in this context, but I don't mean to  
11 bind myself for future sentencings because I believe this issue  
12 may come up a fair amount. So I'm not putting a stake in the  
13 ground as to what goes down one path and what another. I think  
14 here they pretty much overlap. Other people may be getting  
15 transcripts of things, so I want to make sure they don't say,  
16 "Oh, you did it for one, you do it for another." Here both  
17 apply, and I think I'll leave it at that. All right? Thank  
18 you very much.

19 MR. ABREU: Judge, I have one further request. If the  
20 Court would consider making a recommendation to the Bureau of  
21 Prisons that he be housed in the state of Florida. Mr. Covelli  
22 has no family in the United States. I'm the only one that  
23 visits him, and it would be more convenient for me to visit him  
24 in Florida.

25 THE COURT: Sure. That sounds fine. It actually

1 might not be so hard for that family to fly up from Colombia to  
2 Miami either.

3 MR. ABREU: Exactly.

4 THE COURT: Actually, I'm ignorant. Is there a  
5 federal correctional institution right near Miami?

6 MR. ABREU: No. In Coleman -- there's one past Tampa,  
7 between Tampa and Orlando, Coleman, which is a medium and a low  
8 security.

9 THE COURT: All right, a recommendation to Coleman.  
10 Is it a medium security facility?

11 MR. ABREU: They have medium and low security. I  
12 think he may end up in a low security.

13 THE COURT: He could well be. There's no violence  
14 here, so --

15 MR. ABREU: Yes. Okay, thank you, your Honor.

16 THE COURT: All right, thank you.

17 Now, I see you Thursday morning, right?

18 MR. GALLAGHER: Yes, your Honor.

19 THE CLERK: 9:30.

20 THE COURT: 9:30. And just remember, I am definitely  
21 not going into the afternoon.

22 MR. GALLAGHER: Understood, yes.

23 THE COURT: And there's no one coming in  
24 internationally?

25 MR. GALLAGHER: One witness, your Honor. I'm going to

1 make it straight, short, and simple.

2 THE COURT: Okay, good. Thank you.

3 MR. ABREU: Thank you, your Honor.

4 THE CLERK: All rise.

5 (Adjourned, 2:56 p.m.)

6 C E R T I F I C A T E

7  
8 UNITED STATES DISTRICT COURT )  
9 DISTRICT OF MASSACHUSETTS ) ss.  
10 CITY OF BOSTON )

11  
12 I, Lee A. Marzilli, Official Federal Court Reporter,  
13 do hereby certify that the foregoing transcript, Pages 1  
14 through 11 inclusive, was recorded by me stenographically at  
15 the time and place aforesaid in Criminal No. 11-10187-PBS,  
16 United States of America v. Andres Covelli Cadavid, and  
17 thereafter by me reduced to typewriting and is a true and  
18 accurate record of the proceedings.

19 Dated this 17th day of February, 2016.

20  
21  
22  
23 /s/ Lee A. Marzilli

24 \_\_\_\_\_  
25 LEE A. MARZILLI, CRR  
OFFICIAL COURT REPORTER